

1940

# ELECTION RETURNS FOR GOVERNOR AND LIEUTENANT GOVERNOR

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4	<b>ELECTION RETURNS FOR GOVERNOR AND LIEUTENANT GOVERNOR. Assembly Constitutional Amendment 27.</b> Repeals section 4 of Article V and adds section 4.5 to Article V of Constitution. Declares Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor. Ratifies legislation enacted at Fifty-third Session of Legislature regulating manner of making returns of elections for Governor and Lieutenant Governor.	YES	
		NO	

(For full text of measure, see page 3, Part II)

**Argument in Favor of Assembly Constitutional Amendment No. 27**

Assembly Constitutional Amendment No. 27 repeals the cumbersome and outdated machinery now provided in section 4 of Article V of the Constitution which requires the returns of every election for Governor and Lieutenant Governor to be transmitted to the Speaker of the Assembly and published in the presence of both Houses of the Legislature. This constitutional amendment rightfully gives to the Legislature the duty of regulating the manner of making returns of elections for these offices.

Chapter 345 was enacted at the last session of the Legislature, its operation conditioned upon the repeal of section 4 of Article V of the Constitution. This legislation is ratified by the proposed section 4.5 which will be added to Article V by A.C.A. No. 27. Pursuant to the provisions of Chapter 345 of the Statutes of

1939, when the Secretary of State has compared and estimated the vote cast for Governor and Lieutenant Governor, he will deliver certificates of election to the persons elected, the procedure now followed in the election of State Senators and members of the Assembly.

If a tie vote occurs for the office of Governor or Lieutenant Governor, the tie will be determined in the same manner as now provided by section 4 of Article V. When this section of the Constitution is repealed, section 8702 of the Elections Code will continue the requirement of a joint vote of both Houses of the Legislature.

For efficiency in government vote "YES" on Assembly Constitutional Amendment No. 27.

**THOMAS A. MALONEY,**  
Member of the Assembly,  
Twentieth District.

**INSTITUTIONS FOR FELONS. Senate Constitutional Amendment 37.**

**3** Amends Constitution, Article X, section 7. Declares Legislature may provide for establishment, government and superintendence of all institutions for persons convicted of felonies, and for that purpose may delegate the government and superintendence of such institutions to any public governmental agency, officer or board; and may provide for punishment, treatment and custody of females differently from men similarly convicted. Until Legislature otherwise provides declares effective existing statutes and constitutional provisions purporting to cover such matters.

YES

NO

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 7 of Article X thereof, relating to the Board of Prison Directors.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California to amend section 7 of Article X of the Constitution of said State so as to read as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

**PROPOSED AMENDMENT TO THE CONSTITUTION.**

SEC. 7. Notwithstanding anything contained elsewhere in this Constitution, the Legislature may provide for the establishment, government,

charge and superintendence of ~~an institution or all institutions for females~~ **all persons** convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such ~~institution~~ **institutions** to any public governmental agency ~~or agencies~~, officers, or board ~~or boards~~, whether now existing or hereafter created by it. ~~Such agency~~ **Any of such agencies**, officers, or board ~~boards~~ shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, ~~respecting such females convicted of felonies~~ as the Legislature may prescribe.

The Legislature may also provide for punishment, treatment, supervision, custody and care of ~~such females~~ in a manner and under circumstances different from men similarly convicted.

All existing statutes and constitutional provisions purporting to create such ~~institution~~ **institutions** or such ~~agency, officer, agencies or officers or board boards~~, to so delegate such government, charge and superintendence, to so prescribe such powers, duties, or functions, or to so provide for such punishment, treatment or supervision are hereby ratified, validated and declared to be legally effective; ~~but until the Legislature may repeat, amend, or otherwise modify any such statutes provides otherwise.~~

**ELECTION RETURNS FOR GOVERNOR AND LIEUTENANT GOV-**

**ERNOR. Assembly Constitutional Amendment 27.** Repeals section 4 of Article V and adds section 4.5 to Article V of Constitution. Declares  
**4** Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor. Ratifies legislation enacted at Fifty-third Session of Legislature regulating manner of making returns of elections for Governor and Lieutenant Governor.

YES

NO

Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by repealing section 4 of Article V, and by adding section 4.5 to Article V, relating to the returns of elections for Governor and Lieutenant Governor.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fifty-third regular session commencing on the second day of January, 1939, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that

[Three]

the Constitution of said State be amended as follows:

(This proposed amendment expressly repeals an existing section of and adds a new section to the Constitution; therefore, EXISTING PROVISIONS proposed to be REPEALED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

First. That section 4 of Article V be repealed.

Sec. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses

of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Second. That a new section, to be numbered 4.5, be added to Article V, to read as follows:

Sec. 4.5. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

The legislation enacted at the Fifty-third Session of the Legislature regulating the manner of making returns of elections for Governor and Lieutenant Governor is hereby ratified and validated, and it shall have the same force and effect as if it had been passed after the adoption of this provision of the Constitution.

**5 DAYLIGHT SAVING. Initiative Act.** Provides Daylight Saving Time as standard time in California between last Sunday in April and last Sunday in September annually. Declares purpose of Act to provide maximum utilization of daylight hours. Fixes standard time for remainder of year as United States Standard Pacific Time; designates Daylight Saving Time as one hour in advance thereof. Declares that in all laws, orders, decrees, regulations, concerning performance of public or other specified acts, accrual or determination of rights, and in public institutions, contracts and choses in action, the time shall be as provided in Act. Repeals conflicting legislation.

YES

NO

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed law hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed law is as follows:

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED LAW.

An act providing that standard time in California between last Sunday in April and last Sunday in September annually shall be Daylight Saving Time, and for the remainder of the year, United States Standard Pacific Time; declaring purpose of act to provide maximum utilization of daylight hours; designating Daylight Saving Time as one hour in advance of Standard Pacific Time; declaring that in all laws, orders, decrees, regulations, relative to performance of public or other designated acts, accrual or determination of rights, and in public institutions, contracts, choses in action, the time shall be as in act; repealing conflicting legislation.

[Four]

The People of the State of California do enact as follows:

**Section 1.** The purpose of this act is to provide for maximum utilization of the daylight hours during which sunshine adds to the pleasure of sports and out-of-doors activity, inviting the young and old alike to engage in health-building recreations and to enjoy to the utmost the innumerable beaches, parks, playgrounds and other recreational and amusement facilities within the state.

It is hereby declared to be the public policy of this state to so arrange the hours during which the sun shines as to promote the fullest enjoyment by the people of the gifts which nature has so generously bestowed upon this state. Pursuant to said policy this Act provides for a more advantageous time arrangement during certain months of the year by deviation from the schedule of the United States Standard Pacific Time.

**Sec. 2.** This Act shall be known and may be cited as the "Daylight Saving Time Act."

**Sec. 3.** The standard time within the state, except as hereinafter provided, shall be based on the mean astronomical time of the degree of longitude governing the zone wherein this state is situated, the standard official time of which is known, described and designated by the federal statutes as "United States Standard Pacific Time."